PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86261518
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86261518/large
LITERAL ELEMENT	CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	Color is not claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the design of a bitten sandwiched cookie with the stylized words "C ORIGINAL ARTISAN ICE CREAM SANDWICH" appearing within center of the cook
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_63764866-20160125165602109479_._Argument_CREAM_WICH_THE_ORIGINA
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ORIGINAL PDF FILE	evi_63764866-20160125165602109479_._ation_of_Jessica_Jordan_Under_Section_2.2(
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DESCRIPTION OF EVIDENCE FILE	Argument and Declaration of Jessica Jordan Under Sections 2.20 with Exhibits A-G
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use ICE CREAM SANDWICH apart from the
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Michael Friscia/
SIGNATORY'S NAME	Michael R. Friscia
SIGNATORY'S POSITION	Attorney of Record, NJ Bar Member
SIGNATORY'S PHONE NUMBER	973-848-8308
DATE SIGNED	01/25/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jan 25 18:03:26 EST 2016
TEAS STAMP	USPTO/RFR-XX.XX.XX.XX-20160125180326209242-86261518-550fb6b10ea9ef48b8a33583ebd67675edae47b2c72b506aef906dfe45574333-N/A-N/A-20160125165602109479

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86261518** CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH (Stylized and/or with Design, see http://tmng-al.uspto.gov/resting2/api/img/86261518/large) has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE
Evidence in the nature of Argument and Declaration of Jessica Jordan Under Sections 2.20 with Exhibits A-G has been attached.
Original PDF file:
evi_63764866-20160125165602109479_._Argument_CREAM_WICH_THE_ORIGINAL_ARTISAN_ICE
Converted PDF file(s) (12 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6
Evidence-7
Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12
Original PDF file:
evi_63764866-20160125165602109479_._ation_of_Jessica_Jordan_Under_Section_2.20_with_Exhibits_A-G.pdf
Converted PDF file(s) (49 pages)
Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6
Evidence-7
Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12
Evidence-13
Evidence-14

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Evidence-35
Evidence-36
Evidence-37
Evidence-38
Evidence-39
Evidence-40
Evidence-41
Evidence-42
Evidence-43
Evidence-44
Evidence-45
Evidence-46
Evidence-47
Evidence-48
Evidence-49

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use ICE CREAM SANDWICH apart from the mark as shown.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Michael Friscia/ Date: 01/25/2016
Signatory's Name: Michael R. Friscia
Signatory's Position: Attorney of Record, NJ Bar Member

Signatory's Phone Number: 973-848-8308

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

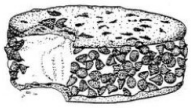
Serial Number: 86261518
Internet Transmission Date: Mon Jan 25 18:03:26 EST 2016
TEAS Stamp: USPTO/RFR-XX.XX.XX.XX-20160125180326209242-86261518-550fb6b10ea9ef48b8a33583ebd67675edae47b2c72b506aef906dfe45574333-N/A-N/A-20160125165602109479

I. Refusal under Section 2(d) of the Trademark Act

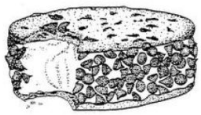
A. Introduction

Applicant seeks to register the mark CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH (& Design) in connection with "ice cream and frozen confections," in Class 30 ("Applicant's Cookie Design Mark" and "Applicant's Goods" or "Products"), depicted below:

The Office Action has refused to register Applicant's Cookie Design Mark under the Trademark Act §2(d) and asserts that there may be a likelihood of confusion between Applicant's Cookie Design Mark and the following three registrations:



U.S. Reg. No. 1,397,006, for "frozen confection, namely, soft ice cream sandwiched between chocolate chip cookies with chocolate chips," in Class 30, owned by Societe Des Produits Nestle, S.A. (the "Nestle Ice Cream Registration");



U.S. Reg. No. 1,397,179, for "mobile ice cream vending services," in Class 42, owned by Societe Des Produits Nestle, S.A. (the "Nestle Vending Services Registration") (together with the Nestle Ice Cream Registration, the "Nestle Registrations"); and

U.S. Reg. No. 4,153,293, for "t-shirts," in Class 25, owned by Retrobrands USA LLC (the "Retrobrands Registration") (collectively with the Nestle Registrations, the "Cited Marks").

Applicant is filing contemporaneously herewith a Petition for Cancellation of the Nestle Registrations with the Trademark Trial and Appeal Board based on abandonment. Applicant respectfully requests that the Examining Attorney suspend the application for Applicant's Cookie Design Mark pending the disposition of the cancellation proceeding.

Based upon the within discussion, Applicant respectfully requests reconsideration of this refusal to register the Applicant's Cookie Design Mark based on likelihood of confusion with the Retrobrands Registration.

B. Applicant's Cookie Design Mark is not likely to be confused with the Retrobrands Registration because the marks are different and have different commercial impressions.

Confusion between Applicant's Cookie Design Mark and the Retrobrands Registration is not likely because the overall commercial impressions of Applicant's Cookie Design Mark and the Retrobrands Registration are significantly different.

Applicant's Cookie Design Mark prominently includes the word CREAM'WICH, which is not contained in the Retrobrands Registration. Further, Applicant's Cookie Design Mark includes the phrase THE ORIGINAL ARTISAN ICE CREAM SANDWICH displayed in a large, prominent, stylized font across the Applicant's design, which is not contained in the Retrobrands Registration. All of the words in Applicant's Cookie Design Mark are prominently

displayed on its design, while the Retrobrands Registration does not display any words on its design.

In addition, the designs are different. The Retrobrands Registration includes a large circular design element displayed in two shades of brown, and a prominent red banner displayed at the top of the mark containing the words IT'S HERE! As a result, the Applicant's Cookie Design Mark is different from the Retrobrands Registration in overall commercial impression. Given these fundamental differences, confusion between these marks is highly unlikely.

The fact that the marks share a feature is not dispositive, as similarity is based on the total effect of the marks, rather than a comparison of any individual features. See Trademark Manual of Examining Procedure, January 2015 ed. ("TMEP"), §1207.01(c)(ii) ("fundamental rule" when mark has words plus a design is that the marks must be considered in their entireties); Red Carpet Corp. v. Johnstown Am. Enters., 7 USPQ2d 1404 (TTAB 1988) (holding mark consisting of stylized house design for use in connection with real estate property management, and mark consisting of stylized house design for use in connection with real estate brokerage services, not likely to cause confusion); Ocean Spray Cranberries, Inc. v. Ocean Garden Prods., Inc., 223 USPQ 1027 (TTAB 1984) (holding mark consisting of a circle containing three curved lines with rounded ends, for seafood, and mark consisting of a stylized breaking wave within an oval, for various food items, not likely to cause confusion). Here, the effect of the entire mark, including differences in the designs and the words, should be considered. See In re Sweet Victory Inc., 228 USPQ 959, 961 (TTAB 1986) (finding marks GLACE CONTINENTAL and GLACE LITE were not likely to be confused even though both marks were used in connection with sherbet, because "the overall differences in the marks are sufficient so that while source confusion may

be possible, it is not likely"); New England Fish Co. v. The Hervin Co., 179 U.S.P.Q. 743 (TTAB 1973). Although Applicant's Cookie Design Mark and the Cited Marks include designs of frozen desserts, they are, overall, phonetically dissimilar and visually distinct. As a result, these marks provide different commercial impressions. The differences in the marks support a finding that confusion is not likely. See, e.g., Sure-Fit Products Co. v. Saltzson Drapery Co., 117 U.S.P.Q. 295, 297 (CCPA 1958).

Furthermore, greater weight should be given to the wording in Applicant's Cookie Design Mark than the design portion of the mark. "[I]f a mark comprises both wording and a design, greater weight is often given to the wording, because it is the wording that purchasers would use to refer to or request the goods or services." TMEP §1207.01(c)(ii), citing In re Viterra Inc., 671 F.3d 1358, 1366, 101 USPQ2d 1905, 1911 (Fed. Cir. 2012). Here, not only are the words different, the design portions are also different, resulting in Applicant's Cookie Design Mark being wasily distinguishable from Retrobrands Registration.

In view of the numerous differences discussed above, the overall commercial impression of the Retrobrands Registration is wholly distinct from that of Applicant's Cookie Design Mark, and confusion between Applicant's Cookie Design Mark and the Retrobrands Registration is highly unlikely. Furthermore, the fact that the Nestle Registrations and the Retrobrands Registration all include designs of frozen confections and coexist on the Principal Register means the scope of protection afforded to each mark is narrow. Thus, the Applicant's Cookie Design Mark, which has an overall commercial impression that is different from the impressions created by the Cited Marks, should be permitted to coexist as well. See EMSL Analytical, Inc.

V. Testamerica Analytical Testing Corp., 2006 U.S. Dist. LEXIS 16672 at *22 (DNJ April 4, 2006).

C. Applicant's Cookie Design Mark is not likely to be confused with the Retrobrands Registration because the marks cover different goods.

Applicant's Cookie Design Mark is not likely to be confused with the Retrobrands Registration because Applicant's Cookie Design Mark covers ice cream and frozen confections, which are not closely related to the t-shirts covered by the Retrobrands Registration.

The Office Action cites third-party registrations and Internet evidence regarding third parties that sell t-shirts and frozen confections, and concludes that the goods covered by Applicant's Cookie Design Mark and the Retrobrands Registration are closely related. However, the subject matter of the goods associated with Applicant's Cookie Design Mark and the Retrobrands Registration are not logically related, and therefore the third party registrations and evidence cited has little or no probative value. In addition, a number of the registrations cited in the Office Action are expansive, multi-class registrations which sweepingly cover many different types of goods and services. The goods in the third party registrations do not have a close logical relationship and accordingly are not probative of relatedness.

There is nothing inherent in the nature of ice cream and t-shirts to suggest that consumers would ever consider them related. The fact that there are companies that sell both ice cream and t-shirts is not relevant, because t-shirts can be used as promotional items in any industry. Reasoning that these goods are related simply because third party trademark registrations cover both goods or that third parties sell both goods would lead to the conclusion that t-shirts are closely related to just about any goods or services that could be promoted using t-shirts, which is clearly not the case. Significantly, the Retrobrands Registration includes only t-shirts, and none

of the food products listed in Applicant's Cookie Design Mark (or any other food products), and vice versa. Thus, on their face, the identifications at issue demonstrate that there is no relatedness or likelihood of consumer confusion here.

Because the goods at issue here are different, there is simply no such overlap here, and Applicant's goods are not likely to be confused with the goods covered by the Retrobrands Registration.

D. Conclusion

The Retrobrands Registration is different from Applicant's Cookie Design Mark in overall commercial impression and the marks cover different types of goods. Accordingly, registration of Applicant's Cookie Design Mark would not result in likelihood of confusion and Applicant respectfully requests reconsideration of the refusal to register Applicant's Cookie Design Mark.

II. Refusal under Section 2(e) of the Trademark Act

A. Introduction

The Office Action has refused to register Applicant's Cookie Design Mark because the mark "merely describes a feature or characteristic of applicant's goods and/or services." Applicant respectfully disagrees and submits that Applicant's Cookie Design Mark has acquired distinctiveness through the Applicant's use of the mark in U.S. commerce for several years, as discussed in detail below. Thus, Applicant's Cookie Design Mark is registrable pursuant to Section 2(f) of the Trademark Act. The Applicant submits herewith the declaration of Jessica Jordan, Manager for the Applicant, and accompanying evidence, which demonstrates that

Applicant's Cookie Design Mark pending in connection with the Products, has acquired distinctiveness through widespread use in commerce and significant sales.

B. Applicant's Cookie Design Mark has acquired distinctiveness through long-standing, widespread use in commerce.

Applicant's Cookie Design Mark includes the word CREAM'WICH displayed in a cursive font and THE ORIGINAL ARTISAN ICE CREAM SANDWICH displayed in print-style writing with initial capital letters, with all of the words displayed on a design of a chocolate chip cookie ice cream sandwich. Declaration of Jessica Jordan ("Jordan Decl."), ¶2. Applicant's Cookie Design Mark has been used in connection with the promotion and sale of ice cream and frozen confections, namely, ice cream sandwiches ("Products") in the United States since at least as early as November 2013. See id at ¶3.

Applicant has also used the stylized word mark CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH (without a cookie design), displayed in the same fonts as Applicant's Cookie Design Mark ("Applicant's Stylized Word Mark"). See id. at ¶4 and Exhibit A. Applicant's Stylized Word Mark has been used in connection with the promotion and sale of the Products in the United States since at least as early as November 2013. See id.

Before Applicant started using Applicant's Cookie Design Mark and Applicant's Stylized Word Mark, beginning at least as early as December 2012, Applicant used the mark CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH with CREAM'WICH displayed in a cursive font and THE ORIGINAL ARTISAN ICE CREAM SANDWICH displayed in print-style writing with initial capital letters ("Applicant's First Mark"), in connection with the promotion and sale of Products in the United States. See id. at ¶5 and Exhibit B. The stylized letters in Applicant's First Mark are very similar to the stylized letters

used in Applicant's Cookie Design Mark and Applicant's Stylized Word Mark. See id. at ¶5. Applicant's Mark, Applicant's First Mark, and Applicant's Stylized Word Mark are collectively referred to herein as Applicant's Marks. See id. Long use of the mark is a relevant factor to consider in determining whether a mark has acquired distinctiveness. See TMEP §1212.06(a). Consequently, Applicant's use of Applicant's First Mark for more than three years and Applicant's use of Applicant's Cookie Design Mark and Applicant's Stylized Word Mark for more than two years supports Applicant's claim of acquired distinctiveness.

The commercial success of the Products sold in connection with Applicant's Mark is another factor to be considered when determining whether Applicant's Mark has acquired secondary meaning. See, e.g.., Creative Technology Ltd. v. SRT Inc., 29 U.S.P.Q.2d 1474, 1477 (N.D.Cal. 1993) (considering commercial success and wide notoriety of product bearing plaintiff's mark in determining that mark had acquired secondary meaning); Blockbuster Entertainment Group v. Laylco Inc., 33 U.S.P.Q.2d 1581 (E.D.Mich. 1994); Kraft General Foods Inc. v. Allied Old English Inc., 31 U.S.P.Q.2d 1094 (S.D.N.Y. 1993). Applicant's sales and distribution of Products in connection with Applicant's Marks have been significant and have increased over time. See Jordan Decl., ¶6. In 2013, Applicant sold approximately 120,000 Products in connection with one or more of Applicant's Marks. See id. at ¶7. In 2014, Applicant sold approximately 250,000 Products in connection with Applicant's Cookie Design Mark and Applicant's Stylized Word Mark with revenues of approximately $500,000. See id. at ¶8. In 2015, Applicant sold approximately 330,000 Products in connection with Applicant's Cookie Design Mark and Applicant's Stylized Word Mark with revenues of approximately $500,000. See id. at ¶9.

Applicant's Products that prominently display one or more of Applicant's Marks have been and are sold in the United States through Applicant's store and through hundreds of other retail stores. See id. at ¶11. In addition, Applicant's number of distributors has increased over time and the number of Applicant's accounts nearly doubled last year. See id. at ¶9. In 2013, approximately 150 stores carried Products that prominently displayed one or more of Applicant's Marks. See id. at ¶12. In 2014, approximately 250 stores carried Products that prominently displayed Applicant's Stylized Word Mark. See id. at ¶13. In 2015, approximately 450 stores carried Products that prominently displayed Applicant's Stylized Word Mark. See id. at ¶14. Applicant also ships Products bearing one or more of Applicant's Marks to customers in the United States. See id. at ¶15. Accordingly, considering the commercial success of the Products sold in connection with Applicant's Marks, as well as the other factors discussed herein, Applicant's Mark has become a distinctive and recognizable source indicator to consumers. See id. at ¶10.

Applicant's use of Applicant's Marks in extensive advertising and promotions associated with the Products have been significant and support a finding of acquired distinctiveness. Applicant has spent a great deal of money on advertising and promoting its Products sold under Applicant's Marks in the U.S. See Jordan Decl., ¶16. In the last two years alone, Applicant spent over $80,000 on packaging, advertising, promotional materials, printing and design relating to Products sold in connection with Applicant's Marks. See id. All of the Applicant's packaging, advertising and promotional materials prominently display one or more of Applicant's Marks. See id. Accordingly, Applicant's Marks have become a distinctive and recognizable source indicator to consumers. See id. "Large scale expenditures in promoting and

advertising goods and services under a particular mark are significant to indicate the extent to which a mark has been used." TMEP §1212.06(b). Applicant's expenditures demonstrate that Applicant's Marks have been widely used and promoted in commerce, and has acquired distinctiveness through its widespread use.

Applicant's Marks are prominently used in connection with the Products. Current packaging for each of Applicant's Products prominently display Applicant's Stylized Word Mark. See Jordan Decl., ¶17 and Exhibit A. Applicant advertises its Products in connection with Applicant's Marks through signage in retail stores, ice cream freezers branded with Applicant's Cookie Design Mark and Applicant's Stylized Word Mark, and promotional flyers/handouts, in-store displays, and newspaper advertisements. See Jordan Decl., ¶18. Applicant's advertisements that prominently display Applicant's Marks have been widely used and distributed. See id. and Exhibits C and D.

Applicant's Products are also advertised and promoted on the Internet, including through Applicant's websites www.thecreamwich.com and www.mbcreamery.com. See id. at ¶20 and Exhibit E. Applicant's Cookie Design Mark is prominently displayed on this website www.thecreamwich .com and Applicant's Stylized Word Mark is displayed on the website www.mbcreamery.com. See id.

In addition, Applicant's Products are advertised and promoted through social media, including Instagram, Facebook, and Twitter, all of which prominently display Applicant's Cookie Design Mark. See id. at ¶21 and Exhibit F. Applicant's Products are also recognized by third parties. See id. at ¶22 and Exhibit G. For example, the website www.southbayfoodies.com wrote an article about Applicant's CREAMWICH products. See id.

The prominent and distinctive display of Applicant's Marks through Applicant's extensive advertising and promotional efforts over the course of several years associates Applicant's Marks with Applicant and Applicant's Products. This information, combined with the sales associated with Products and length of time in which Applicant's Marks have been in use by Applicant, support a finding of secondary meaning. See Merriam-Webster Inc. v. Random House Inc., 18 U.S.P.Q.2d 1755, 1758 (S.D.N.Y. 1991) (finding evidence submitted by plaintiff "relating to the nature and extent of the public exposure achieved by the designation, including volume of sales, length of time of use, and advertising and other promotional efforts, with commercial success, rather than the amount of expenditures, being the likely measure . . .support an inference of secondary meaning"); In re Owens-Corning Fiberglas Corp., 774 F.2d 1116, 1125 (Fed. Cir. 1985)("An evidentiary showing of secondary meaning, adequate to show that a mark has acquired distinctiveness indicating the origin of the goods, includes evidence of the trademark owner's method of using the mark, supplemented by evidence of the effectiveness of such use to cause the purchasing public to identify the mark with the source of the product"); see also TMEP §1212.06. As a result of Applicant's widespread use of Applicant's Cookie Design Mark, that mark has become a source indicator of Applicant's high quality products and has acquired distinctiveness in the minds of the purchasing public.

In view of the foregoing, the Applicant respectfully requests that the Examining Attorney allow Applicant's Cookie Design Mark to proceed to registration on the Principal Register under Section 2(f) of the Trademark Act.

III. Disclaimer

No claim is made to the exclusive right to use "ICE CREAM SANDWICH" apart from the mark as shown.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	: Rothman Food Group, LLC
MARK	: CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH (& Design)
CLASS NO.	: 30
SERIAL NO.	: 86/261,518

DECLARATION UNDER SECTION 2.20

I, Jessica Jordan, of full age, hereby declare as follows:

1. I am the Manager of applicant Rothman Food Group, LLC ("Applicant") and am authorized to make this Declaration on its behalf. I am in charge of managing the marketing of ice cream and frozen confections for Applicant and I have personal knowledge of the matters set forth herein.

2. Applicant is the owner of a trademark application for CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH (& Design), Serial No. 86/261,518 ("Applicant's Cookie Design Mark"). Applicant's Cookie Design Mark includes the word CREAM'WICH displayed in a cursive font and THE ORIGINAL ARTISAN ICE CREAM SANDWICH displayed in print-style writing with initial capital letters, with all of the words displayed on a design of a chocolate chip cookie ice cream sandwich. Applicant's Cookie Design Mark is depicted below:

3. Applicant's Cookie Design Mark has been used in connection with the promotion and sale of ice cream and frozen confections, namely, ice cream sandwiches ("Products") in the United States since at least as early as November 2013.

4. Applicant has also used the stylized word mark CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH (without a cookie design), displayed in the same fonts as Applicant's Cookie Design Mark ("Applicant's Stylized Word Mark"). A depiction of Applicant's Stylized Word Mark shown on packaging is attached as Exhibit A. Applicant's Stylized Word Mark has been used in connection with the promotion and sale of the Products in the United States since at least as early as November 2013.

5. Before Applicant started using Applicant's Cookie Design Mark and Applicant's Stylized Word Mark, beginning at least as early as December 2012, Applicant used the mark CREAM'WICH THE ORIGINAL ARTISAN ICE CREAM SANDWICH with CREAM'WICH displayed in a cursive font and THE ORIGINAL ARTISAN ICE CREAM SANDWICH displayed in print-style writing with initial capital letters ("Applicant's First Mark"), in connection with the promotion and sale of Products in the United States. A depiction of Applicant's Stylized Word Mark is attached as Exhibit B. The stylized letters in Applicant's

First Mark are very similar to the stylized letters used in Applicant's Cookie Design Mark and Applicant's Stylized Word Mark. Applicant's Cookie Design Mark, Applicant's Stylized Word Mark, and Applicant's First Mark are collectively referred to herein as Applicant's Marks.

6. Applicant's sales and distribution of Products in connection with Applicant's Marks have been significant and have increased over time.

7. In 2013, Applicant sold approximately 120,000 Products in connection with one or more of Applicant's Marks.

8. In 2014, Applicant sold approximately 250,000 Products in connection with Applicant's Cookie Design Mark and Applicant's Stylized Word Mark with revenues of approximately $500,000.

9. In 2015, Applicant sold approximately 330,000 Products in connection with Applicant's Cookie Design Mark and Applicant's Stylized Word Mark with revenues of approximately $500,000. In addition, Applicant's number of distributors has increased over time and the number of Applicant's accounts nearly doubled last year.

10. The packaging for Applicant's Products have all prominently displayed one or more of Applicant's Marks in large, stylized, prominent text. Accordingly, Applicant's Marks have become a distinctive and recognizable source indicator to consumers.

11. Applicant's Products that prominently display one or more of Applicant's Marks have been and are sold in the United States through Applicant's store and through hundreds of other retail stores.

12. In 2013, approximately 150 stores carried Products that prominently displayed one or more of Applicant's Marks.

13. In 2014, approximately 250 stores carried Products that prominently displayed Applicant's Stylized Word Mark.

14. In 2015, approximately 450 stores carried Products that prominently displayed Applicant's Stylized Word Mark.

15. Applicant also ships Products bearing one or more of Applicant's Marks to customers in the United States.

16. Applicant has spent a great deal of money on advertising and promoting its Products sold under Applicant's Marks in the U.S. In the last two years alone, Applicant spent over $80,000 on packaging, advertising, promotional materials, printing and design relating to Products sold in connection with Applicant's Marks. All of the Applicant's packaging, advertising and promotional materials prominently display one or more of Applicant's Marks. Accordingly, Applicant's Marks have become a distinctive and recognizable source indicator to consumers.

17. Current packaging for each of Applicant's Products prominently display Applicant's Stylized Word Mark. Examples of Applicant's packaging is attached as Exhibit A.

18. Applicant advertises its Products in connection with Applicant's Marks through signage in retail stores, ice cream freezers branded with Applicant's Cookie Design Mark and Applicant's Stylized Word Mark, and promotional flyers/handouts, in-store displays, and

newspaper advertisements. Applicant's advertisements that prominently display Applicant's Marks have been widely used and distributed. Examples of flyers that prominently display Applicant's Marks and that promote Applicant's Products are attached as Exhibit C hereto. An ice cream freezer that prominently displays Applicant's Cookie Design Mark and examples of in-store displays bearing Applicant's Stylized Word Mark are displayed on the first page of Exhibit C.

19. An example of a promotional sign at Applicant's store that prominently displays Applicant's Cookie Design Mark is attached as Exhibit D hereto.

20. Applicant's Products are also advertised and promoted on the Internet, including through Applicant's websites www.thecreamwich.com and www.mbcreamery.com. Applicant's Cookie Design Mark is prominently displayed on this website www.thecreamwich .com and Applicant's Stylized Word Mark is displayed on the website www.mbcreamery.com. Excerpts from these websites are attached as Exhibit E hereto.

21. Applicant's Products are also advertised and promoted through social media, including Instagram, Facebook, and Twitter, all of which prominently display Applicant's Cookie Design Mark. Excerpts from Applicant's Instagram, Facebook and Twitter accounts are attached as Exhibit F hereto.

22. Applicant's Products are also recognized by third parties. For example, the website www.southbayfoodies.com wrote an article about Applicant's CREAMWICH products. A copy of this article is attached as Exhibit G hereto.

23. Through the Applicant's extensive promotion and sale of its Products which in connection with Applicant's Marks, Applicant's Marks have become widely known as indicating that Applicant's Products emanate from a single source, and that Applicant is the source of those goods. Thus, Applicant's Marks have become distinctive of Applicant's goods through Applicant's substantially exclusive and continuous use in commerce.

All of the statements made by me herein are true, and were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration.

ROTHMAN FOOD GROUP, LLC

By: _____
Jessica Jordan

Title: MANAGER

Dated: 1/25/16

EXHIBIT A


Nutrition Facts
Cream'wich
The Original Artisan Ice Cream Sandwich
The Original

EXHIBIT B

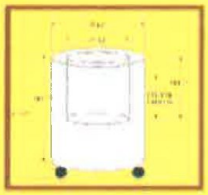
cream'wich

The Original Artisan Ice Cream Sandwich

EXHIBIT C

FREEZER PROGRAM

Free



Annual Revenue Per Square Foot

Freezer Footprint
2.76 square feet

Annual Gross Revenue
>$6,280
>$2,280 per square foot

Annual Gross Profit
>$2,500
>$800 per square foot

Avg Units Sold Annually
1,572

Avg Units Sold Per Month
131

SUGGESTED RETAIL

Item #	DPI #	Name	Suggested Retail
CW001	251278	The Original Cream'wich	$3.99
CW002	252192	Milk Chocolate Dipped Cream'wich	$3.99
CW003	251277	Salted Caramel Cream'wich	$3.99
CW004	252191	Strawberry Shortcake Cream'wich	$3.99
CW005		*Bananas Foster Cream'wich	$3.99

Cream'wich 12 Packs

Perfect For Retail Merchandising

Cream'wich 18 Packs

Perfect For Our Freezer Program Or Your Own Coffin Freezer

INDIVIDUAL UPC CODES

*AVAILABLE SEASONALLY IN 18 PACKS ONLY

Technical Summary

Size				Electrical		
Dimensions (inches) Length x Depth x Height	Cubic Feet	Net Weight (lbs.)	Shipping Weight (lbs.)	Voltage/Hz/Phase	Running Amps	kWh/24hr
22 1/3 x 22 1/2 x 32 3/4	2.8	64	73	115/60/1	2.1	1.2

SPECIAL FEATURES

- Cylinder shaped - looks great anywhere!
- Divider: Four baskets fit all four SKU's
- Flip top accessible from any angle/side
- Makes a big impression in a small footprint
- Adjustable thermostat
- Casters standard
- Appealing graphics


WELCOME TO OUR WORLD
We bake the cookies, make the ice cream, hand assemble and hand pack every single Cream'wich! It's a labor of LOVE!
All of our ice cream is made using an all natural 14% butterfat ice cream base & made with the finest ingredients
Cream'wich
The Original Artisan Ice Cream Sandwich
Milk Chocolate Dipped
Cream'wich
The Original Artisan Ice Cream Sandwich
Salted Caramel
Cream'wich
The Original Artisan Ice Cream Sandwich
The Original
Cream'wich
The Original Artisan Ice Cream Sandwich
Strawberry Shortcake
@Creamwich
www.thecreamwich.com
Cream'wich

The Original

Single Unit

12 ct Case - 1 58719 00435 9

18 ct Case - 0 58719 00481 6

Ingredients: Ice Cream (Milk, Cream, Sugar, Skim Milk, Whey, Vanilla Extract, Stabilizer and Emulsifier [Locust Bean Gum, Guar Gum, Carrageenan], Lecithin), Chocolate Chip Cookie (Semi-Sweet Chocolate Chips [Sugar, Chocolate, Cocoa Butter, Milkfat, Soy Lecithin, Natural Flavor], Enriched Wheat Flour [Flour, Niacin, Iron, Thiamin Mononitrate, Riboflavin, Folic Acid], Sugar, Brown Sugar, Eggs, Invert Sugar, Soy Lecithin, Vanilla Extract, Salt, Baking Soda).

Allergens: Milk, Wheat, Egg, Soy

Nutrition Facts	% Daily Value*
Serv Size 1/2 Sandwich (98g)	
Servings Per Container 2	
Amount Per Serving	
Calories 350	
Calories from Fat 130	
Total Fat 14g	21%
Saturated Fat 8g	42%
Cholesterol 55mg	18%
Sodium 130mg	5%
Total Carbohydrate 52g	17%
Dietary Fiber 1g	3%
Sugar 34g	
Protein 3g	

*Percent Daily Values

Vitamin A 10% • Calcium 6% • Vitamin C 0% • Iron 6%

Milk Chocolate Dipped

Single Unit

12 ct Case - 1 58719 00436 6

18 ct Case - 0 58719 00482 3

Ingredients: Ice Cream (Milk, Cream, Sugar, Skim Milk, Whey, Vanilla Extract, Stabilizer and Emulsifier [Locust Bean Gum, Guar Gum, Carrageenan], Lecithin), Chocolate Chip Cookie (Semi-Sweet Chocolate Chips [Sugar, Chocolate, Cocoa Butter, Milkfat, Soy Lecithin, Natural Flavor], Enriched Wheat Flour [Flour, Niacin, Iron, Thiamin Mononitrate, Riboflavin, Folic Acid], Sugar, Brown Sugar, Eggs, Invert Sugar, Soy Lecithin, Vanilla Extract, Salt, Baking Soda), Milk Chocolate Dipped Coating (Sugar, Cocoa Butter, Whole Milk Powder, Chocolate Liquor, Soy Lecithin, Natural Vanilla Flavor).

Allergens: Milk, Wheat, Egg, Soy

Nutrition Facts	% Daily Value*
Serving Size 1/2 Sandwich (94g)	
Servings Per Container 2	
Amount Per Serving	
Calories 360	
Calories from Fat 170	
Total Fat 19g	29%
Saturated Fat 12g	59%
Cholesterol 55mg	18%
Sodium 140mg	6%
Total Carbohydrate 41g	14%
Dietary Fiber 1 g	3%
Sugar 25g	
Protein 4g	

*Percent Daily Values

Vitamin A 10% • Vitamin C 0% • Calcium 10% • Iron 6%

Salted Caramel

Single Unit

12 ct Case - 1 58719 00437 2

18 ct Case - 0 58719 00441 1

Ingredients: Chocolate Chip Cookie (Semi-Sweet Chocolate Chips [Sugar, Chocolate, Cocoa Butter, Milkfat, Soy Lecithin, Natural Flavor], Enriched Wheat Flour [Flour, Niacin, Iron, Thiamin Mononitrate, Riboflavin, Folic Acid], Sugar, Butter [Pasteurized Cream, Natural Flavoring], Brown Sugar, Sugar, Eggs, Invert Sugar, Soy Lecithin, Vanilla Extract, Salt, Baking Soda), Ice Cream (Milk, Cream, Sugar, Skim Milk, Whey, Vanilla Extract, Stabilizer and Emulsifier [Locust Bean Gum, Guar Gum, Carrageenan], Lecithin), Dark Chocolate (Chocolate Liquor, Sugar, Cocoa Butter, Soy lecithin, Natural Vanilla Flavoring), Caramel Pieces (Caramel Sugar, Water, Caramel Color, Flavorings, Citric Acid, Vanilla Extract, Brown Sugar, Sea Salt).

Allergens: Milk, Wheat, Egg, Soy

Nutrition Facts	% Daily Value*
Serving Size 1/2 Sandwich (91g)	
Servings Per Container 2	
Amount Per Serving	
Calories 330	
Calories from Fat 150	
Total Fat 16g	25%
Saturated Fat 11g	55%
Trans Fat 0g	
Cholesterol 25mg	8%
Sodium 115mg	5%
Total Carbohydrate 40g	13%
Dietary Fiber 1g	3%
Sugar 30g	
Protein 2g	

*Percent Daily Values

Vitamin A 10% • Vitamin C 0% • Calcium 6% • Iron 15%

Strawberry Shortcake

Single Unit

12 ct Case - 0 58719 00438 9

18 ct Case - 0 58719 00442 6

Ingredients: Sugar Cookie (Bleached Enriched Flour [Wheat Flour, Niacin, Iron, Thiamin Mononitrate, Riboflavin, Folic Acid], Sugar, Butter [Pasteurized Cream, Natural Flavoring], Vegetable Shortening [Palm Oil, Hydrogenated Soybean Oil, Eggs, Natural and Artificial Flavors, Salt, Monoglycerides, Baking Soda], Ice Cream (Milk, Cream, Sugar, Skim Milk, Whey, Stabilizer and Emulsifier [Locust Bean Gum, Guar Gum, Carrageenan], Lecithin), Sweetened Strawberries (Strawberries, Sugar, Modified Corn Starch, Citric Acid, Sodium Benzoate and Potassium Sorbate [Preservatives], Red 40), Strawberry Puree (Strawberries, Sugar, Modified Corn Starch, Natural Flavor, Citric Acid, Potassium Sorbate [Preservative], FD&C Red #40), Natural Strawberry Flavors.

Allergens: Milk, Wheat, Egg, Soy

Nutrition Facts	% Daily Value*
Serv Size 1/2 Sandwich (91g)	
Servings Per Container 2	
Amount Per Serving	
Calories 340	
Calories from Fat 130	
Total Fat 14g	22%
Saturated Fat 8g	39%
Trans Fat 0g	
Cholesterol 30mg	9%
Sodium 115mg	5%
Total Carbohydrate 54g	18%
Dietary Fiber Less than 1g	3%
Sugar 31g	
Protein 3g	

*Percent Daily Values

Vitamin A 10% • Calcium 6% • Vitamin C 4% • Iron 4%

Unit	Pallet Case Tier x High = Total
Single Unit	2376/1,800
12 Count Case	22 (T) x 9 (H) = 198
18 Count Case	15 (T) x 7 (H) = 105

www.thecreamwich.com

@ Creamwich

Cream'wich

(contact: Jessica Jordan • Founder/CEO
510.283.8239
jessica@realhumanfoodgroup.com

Made With Fresh Baked Cookies, Premium Ice Cream & The Finest Ingredients

Family Cookie Recipe • Premium Ice Cream • Low Overrun
High Quality Chocolate • Large Morsels • Real Flavors
Handmade Artisan Product • No Co-Packers • Attention To Detail

www.thecreamwich.com • 10705 Bloomfield Street, Los Alamitos, CA 90720 • 562.391.0432

EXHIBIT D


Enjoy here!
Cream'wich™
The Original Artisan Ice Cream Sandwich
MANHATTAN BEACH
CREAMERY

EXHIBIT E

Cream'wich
The Original Artisan Ice Cream Sandwich

About Flavors Catering Locations Contact

"We Are Ice Cream Fanatics & Come From A Long Line Of Artisan Bakers"

SUBSCRIBE TO OUR NEWSLETTER

The story of the Cream'wich begins long before the first Cream'wich was devoured and the first satisfied smile spread cheek-to-cheek. It begins over a half-century ago with Sam and Shirley Rothman and Katella Bakery, a couple of hard workers and a mom-and-pop shop. Together, Sam and Shirley crafted a chocolate chip cookie recipe that people came from near and far to enjoy. After many successful years serving their Orange County community, Sam and Shirley passed the bakery on to their son Harold Rothman. Harold took Katella Bakery and the chocolate chip cookie recipe to a whole new level, constantly crafting and revising the recipe to ensure the highest quality ingredients. Harold's son Zac Rothman was raised in the business and dreamed of following in his family's footsteps.

In 2008, Zac and Harold purchased a nostalgic, old-school ice cream shop in sunny Manhattan Beach, California and turned it into a modern-day sweet-treat emporium. The Manhattan Beach Creamery rapidly gained popularity among both locals and tourists. The fast-moving, yet constant line out the door and around the corner depicted how delicious their ice cream was.

In 2011, after the successful launch of the Manhattan Beach Creamery, Zac and Harold created and launched FISHBAR Restaurant down the street from the Creamery in Manhattan Beach. Jessica Jordan, a popular chef in the local community, was hired as the Executive Chef. Zac quickly noticed Jessica's talent and incredible drive and brought her on as a partner. More importantly, Jessica quickly became an honorary member of the Rothman family. FISHBAR enjoyed immense success, winning numerous awards including "Restaurant Of The Year" in Manhattan Beach. It had not taken long for FISHBAR to establish itself as a staple restaurant in the community.

In December of 2012, Zac asked Jessica to bring her culinary skills to the Manhattan Beach Creamery. It wasn't long before Jessica's impact was felt and she had her "Aha Moment". Jessica realized that there was a massive demand for both the chocolate chip cookies and the homemade ice cream sold at the Creamery. She combined both of the high selling products into an ice cream sandwich and branded it the "Cream'wich". Immediately after hitting the shelves of the Manhattan Beach Creamery, they were swallowed up by demand. The public spoke – they loved the Cream'wich and they wanted more! Jessica knew she had to find a more efficient way to meet demand – the one store was not enough. Before long, Jessica had acquired packaging materials and a few retail partners interested in selling the Cream'wich. Jessica was determined to do whatever it took to make the Cream'wich a success, at first delivering Cream'wiches to the neighborhood stores herself out of the back of her pink Cream'wich Prius.

Fast-forward a year, and the Cream'wich is now its own company with a 3,000 square-foot production facility to meet the demand of its ever-growing retail partners. The Cream'wich can currently be found throughout the Southern California in over 230 retail locations, ranging from independent retailers to restaurants to specialty markets to mom and pop shops. Wherever there is a need for a premium ice cream sandwich at an affordable price, the Cream'wich is there, ready to be devoured and send yet another smile cheek-to-cheek. The growth continues, but the vision and the mission remains the same – to bring smiles to the faces of all those we encounter... one Cream'wich at a time.

Cream'wich
The Original Artisan Ice Cream Sandwich

About Flavors Catering Locations Contact

Cream'wich
The Original Artisan Ice Cream Sandwich
The Original

Our hand crafted vanilla ice cream made using three types of vanilla beans sandwiched between two freshly baked chocolate chip cookies. Our best seller!

Cream'wich
The Original Artisan Ice Cream Sandwich
Milk Chocolate Dipped

Our hand crafted vanilla ice cream made using three types of vanilla beans sandwiched between two freshly baked chocolate chip cookies. Hand dipped in the finest Belgian milk chocolate.

Cream'wich
The Original Artisan Ice Cream Sandwich
Strawberry Shortcake

Our hand crafted Strawberry ice cream with sun ripened strawberry sandwiched between two freshly

Cream'wich
The Original Artisan Ice Cream Sandwich
Salted Caramel

Our hand crafted Salted caramel ice cream sandwiched between two freshly baked chocolate chip cookies. Hand dipped in the finest

Cream'wich
The Original Artisan Ice Cream Sandwich
The Original

Our hand crafted vanilla ice cream made using three types of vanilla beans sandwiched between two freshly baked chocolate chip cookies. Our best seller!

Cream'wich
The Original Artisan Ice Cream Sandwich
Milk Chocolate Dipped

Our hand crafted vanilla ice cream made using three types of vanilla beans sandwiched between two freshly baked chocolate chip cookies. Hand dipped in the finest Belgian milk chocolate.

Cream'wich
The Original Artisan Ice Cream Sandwich
Strawberry Shortcake

Our hand crafted Strawberry ice cream with sun ripened strawberry sandwiched between two freshly baked sugar cookies.

Cream'wich
The Original Artisan Ice Cream Sandwich
Salted Caramel

Our hand crafted Salted caramel ice cream sandwiched between two freshly baked chocolate chip cookies. Hand dipped in the finest Belgian dark chocolate and sprinkled with sea salt.

Cream'wich
The Original Artisan Ice Cream Sandwich

About Flavors Catering Locations Contact

Let Us Cater Your Next Event Or Special Occasion




Ask about our ice cream catering carts
Great for birthday parties & special events!
Personalized menus & custom catering

Cart and attendant starting at $249.99
for the first two hours
*plus the cost of cream'wiches

For more information contact us at:
Phone: 562-391-0430
Email: sean@mbcreamery.com

MANHATTAN BEACH
CREAMERY

Give A Sweet Treat!
Purchase MBC Gift Cards

Ice Cream | The Cream'wich | Cupcakes Couture | Contact
Frozen Bananas | Specialty Treats

The original artisan ice cream sandwich

The cream'wich begins with a signature cookie. This is what sets the cream'wich apart from the rest. Our chocolate chip cookies are fresh-baked daily, using a family recipe passed down from generation to generation. All ice cream is artisan made from scratch in small batches using only the best quality ingredients. Every cream'wich is hand crafted at the Manhattan Beach Creamery with careful attention to each detail. Chill out and enjoy local!

Cream'wich
The Original Artisan Ice Cream Sandwich
www.thecreamwich.com

1120 Manhattan Avenue • Manhattan Beach, CA 90266 • 310-372-1155

Follow us on twitter @MBCreamery
Like us on Facebook @Manhattan Beach Creamery
Subscribe to our Newsletter

Don't live in Los Angeles? Want to share with friends and family out of state?
We ship! Please contact us at (310) 372-1155 for details.

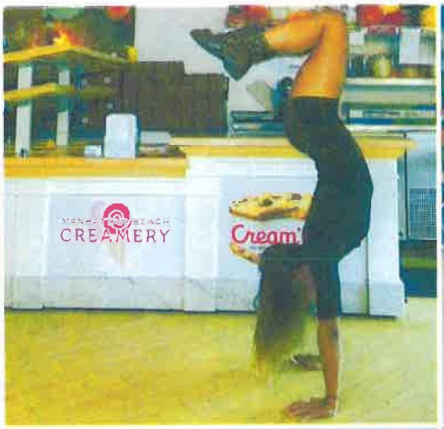
EXHIBIT F

creamwich FOLLOW

The Cream'wich The Original Artisan Ice Cream Sandwich www.thecreamwich.com

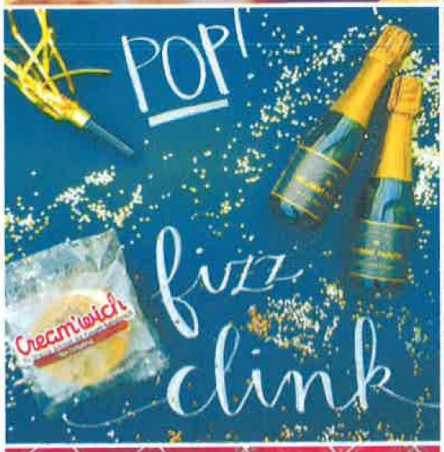
233 posts **1,464** followers **281** following


Cream'wich
Original Artisan Ice Cream Sandwich
Milk Chocolate Dipped
Cream'wich
Milk Chocolate Dipped
3.99


CREAMERY

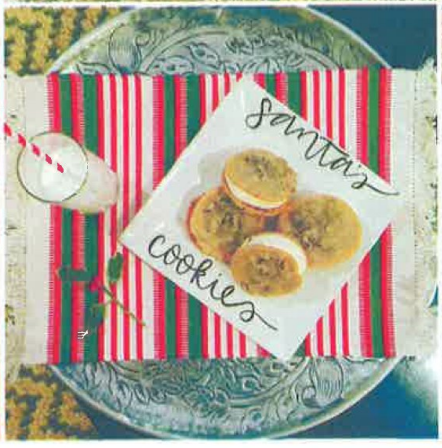

Cream'wich


Cream'wich
Milk Chocolate Dipped


POP!
fizz
clink
Cream'wich


Cream'wich


Cream'wich
The Original
Cream'wich
Salted Caramel


Santa's
Cookies

Sign Up

Email or Phone Password

Log In

Keep me logged in Forgot your password?

Cream'wich
is on Facebook.

To connect with Cream'wich, sign up for Facebook today.

Sign Up Log In

Create Page

Recent
2015
2014
2013
2009

Cream'wich
Place to Eat/Drink

Timeline About Subscribe to Newsletter Photos More

PEOPLE

3,523 likes
62 visits

ABOUT

Cream'wich
16 hrs ·

Just stopped by the @malibucountrymart & getting ready for the sunset @malibupier #malibu#malibubeach#malibupier#calisunset#sunset#theoriginal#creamwich#creamwichtakeover#shoplocal#losangeles#california#socal#westcoast#santamonica#hermosabeach#discoverla#lastory#forkyeah#laeats#hungryinla#lafoodie#southbay#centralcoast#orangecounty#sanfrancisco#westhollywood#dtla

10705 Bloomfield St
Los Alamitos, California

(310) 372-1155

http://www.thecreamwich.com/

APPS

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PHOTOS

VIDEOS

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Guy O'Hazza likes this.

Cream'wich
January 20 at 3:37pm ·

The always knows what it wants! #ily#neverheartbroken#saltedcaramel #thatsdarling##creamwich#creamwichtakeover#shoplocal#shopsmall#losangeles#california#socal#westcoast#santamonica#hermosabeach#discoverla#lastory#forkyeah#laeats#rosebowl#hungryinla#lafoodie#southbay#centralcoast#orangecounty#sanfrancisco#westhollywood#weho#dtla

VISITOR POSTS

Share

Guy O'Hazza likes this.

Cream'wich
January 19 at 3:21pm ·

Oh hey ! #theoriginal

Julie Elkin
April 9, 2015 at 12:56am

Just ate a strawberry shortcake creamwich and I'm not a strawberry i... See More

Like · Comment · Share 1 Like 1 Comment

Eric Schermerhorn
March 26, 2015 at 10:59am

They are very delicious.

Like · Comment · Share

Joy Wren
June 23, 2014 at 8:47pm

Why are these only sold at 7-Eleven? This is seriously the best des... See More

2 Likes 2 Comments

Like · Comment · Share

Share

Cream'wich
January 18 at 2:59pm ·

"I have a dream..." #goals #ifyoucandreamityoucandoit

REVIEWS

4.5 of 5 stars
43 reviews

People talk about: milk chocolate, sandwich and salted caramel

Nate Rodriguez
5 What can I say? Simply sinfully delicious. My favorite ice cream sandwich hands down. If you haven't tried one go buy one NOW! My fav is the milk chocolate dipped

September 23, 2015 ·
1 Like

Jirina Micka Jordan
5 yummy I could eat them all day ;-)
Love the salted caramel.....
June 14, 2015 ·
1 Like

Tell people what you think

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Easy Reader News
Media/News/Publishing

WorldJewels
Jewelry Store

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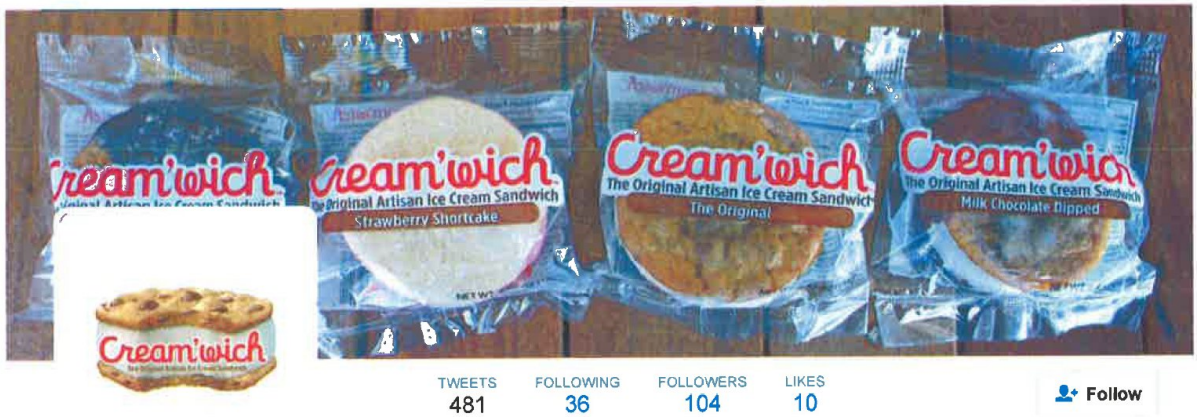

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An Artisan Ice Cream Sandwich

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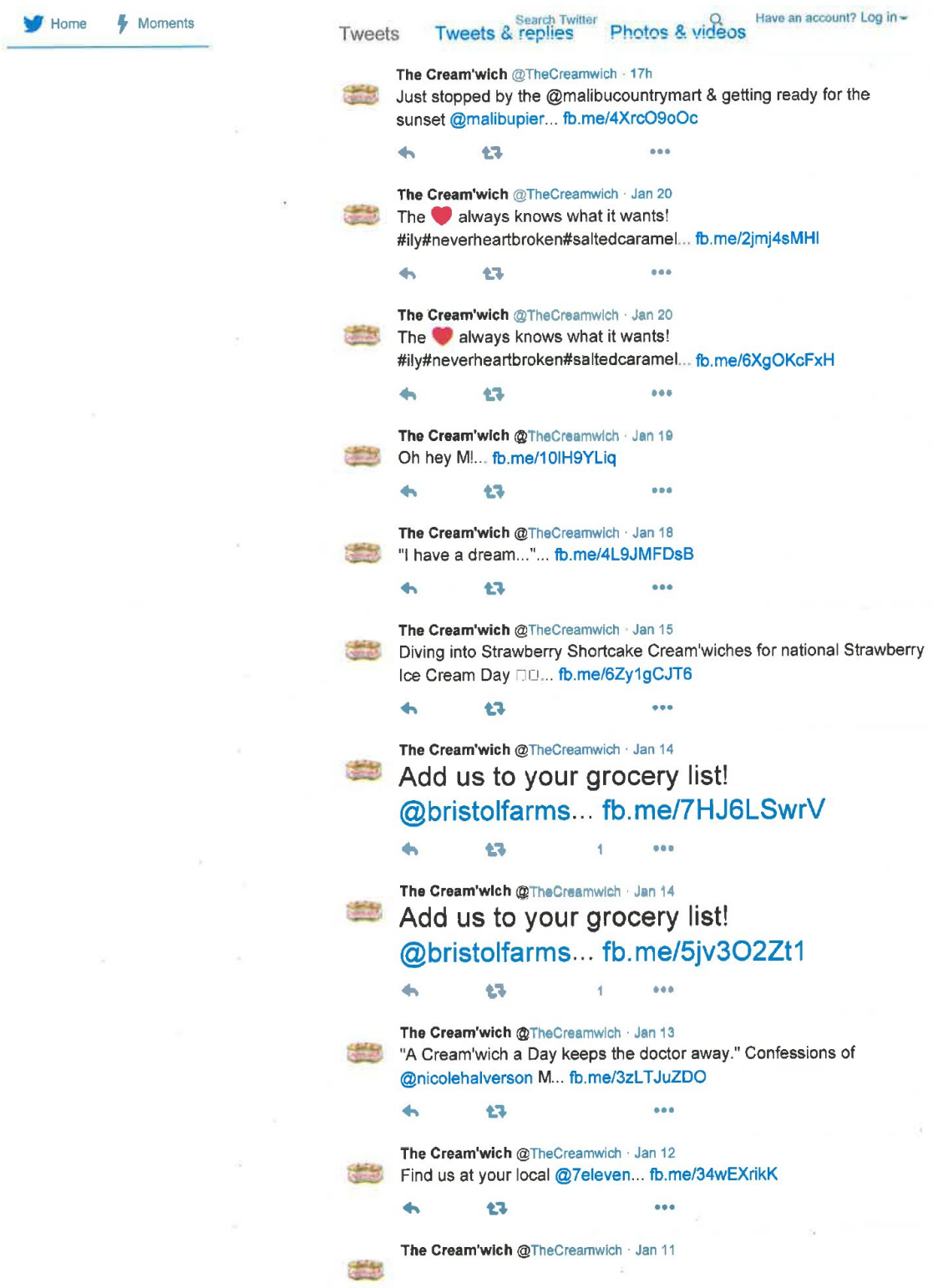
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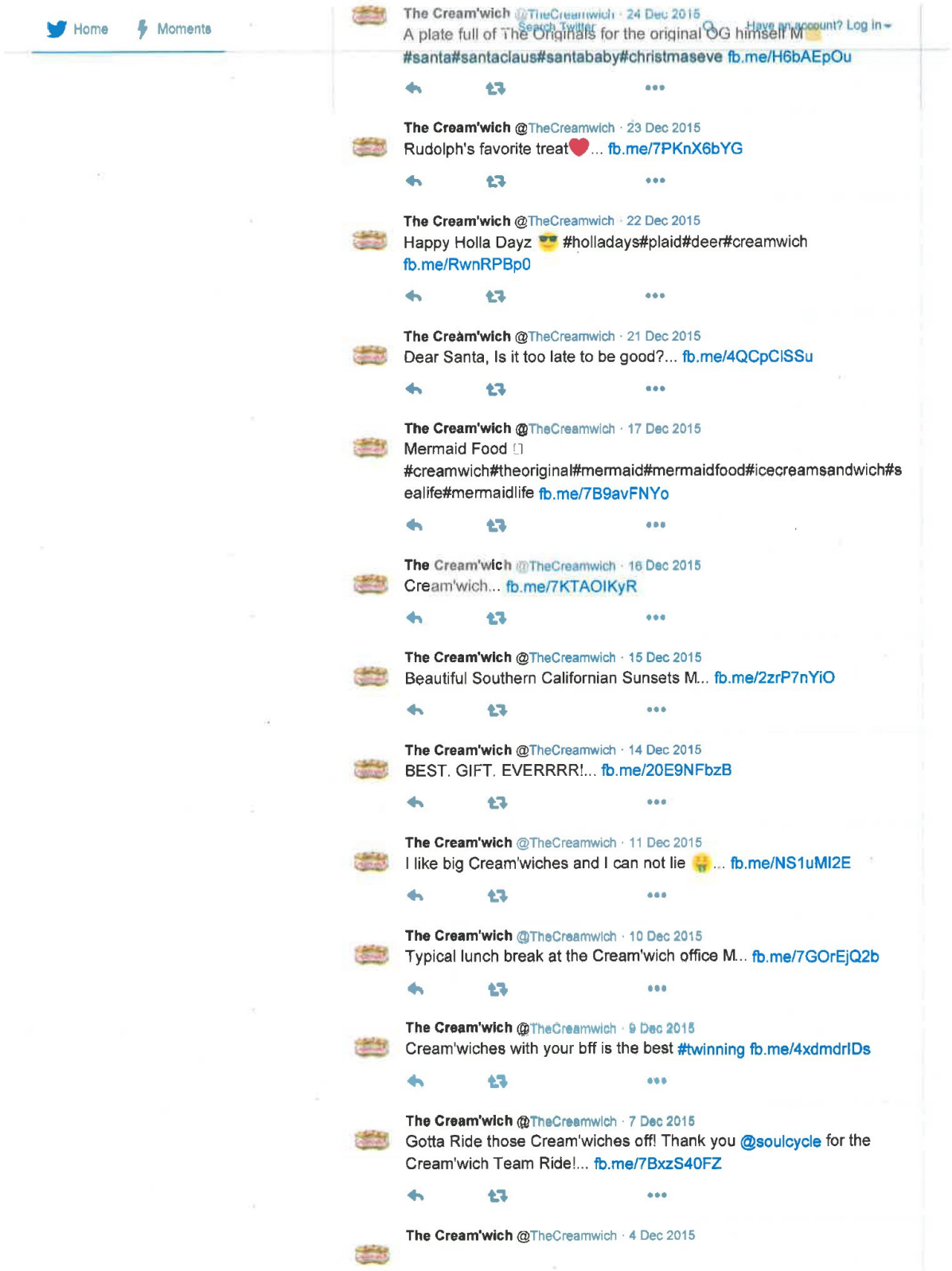
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A plate full of The Originals for the original OG himself M
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Rudolph's favorite treat... fb.me/7PKnX6bYG
The Cream'wich @TheCreamwich · 22 Dec 2015
Happy Holla Dayz #holladays#plaid#deer#creamwich
fb.me/RwnRPBp0
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Dear Santa, Is it too late to be good?... fb.me/4QCpClSSu
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Mermaid Food
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ealife#mermaidlife fb.me/7B9avFNYo
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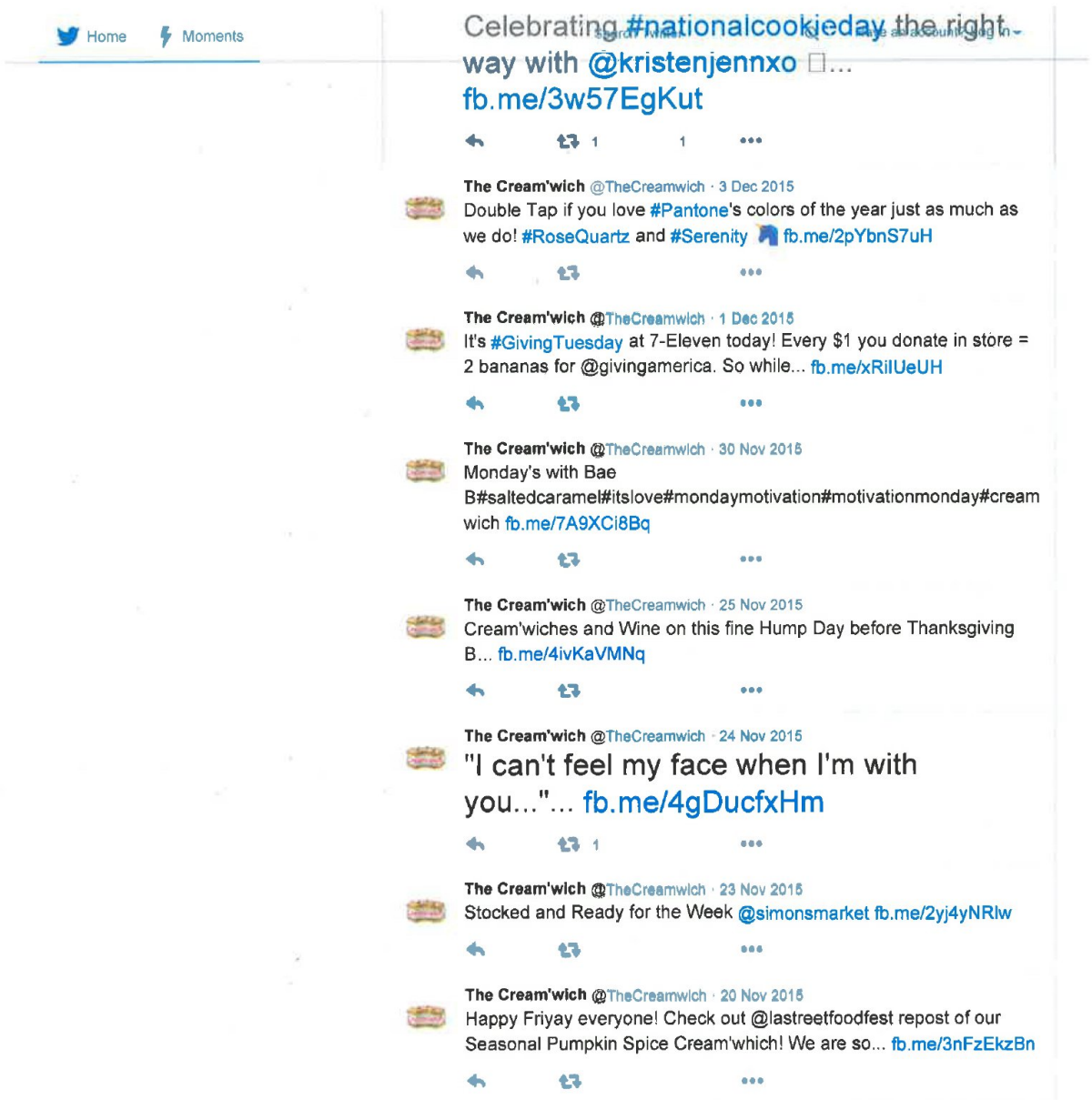
Cream'wiches with your bff is the best #twinning fb.me/4xdmdrIDs
The Cream'wich @TheCreamwich · 7 Dec 2015
Gotta Ride those Cream'wiches off! Thank you @soulcycle for the
Cream'wich Team Ride!... fb.me/7BxzS40FZ
The Cream'wich @TheCreamwich · 4 Dec 2015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Celebrating #nationalcookieday the right way with @kristenjennxo □... fb.me/3w57EgKut
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Double Tap if you love #Pantone's colors of the year just as much as we do! #RoseQuartz and #Serenity fb.me/2pYbnS7uH
The Cream'wich @TheCreamwich · 1 Dec 2015
It's #GivingTuesday at 7-Eleven today! Every $1 you donate in store = 2 bananas for @givingamerica. So while... fb.me/xRilUeUH
The Cream'wich @TheCreamwich · 30 Nov 2015
Monday's with Bae B#saltedcaramel#itslove#mondaymotivation#motivationmonday#creamwich fb.me/7A9XCi8Bq
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Cream'wiches and Wine on this fine Hump Day before Thanksgiving B... fb.me/4ivKaVMNq
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"I can't feel my face when I'm with you..."... fb.me/4gDucfxHm
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Happy Friyay everyone! Check out @lastreetfoodfest repost of our Seasonal Pumpkin Spice Cream'which! We are so... fb.me/3nFzEkzBn

EXHIBIT G

Manhattan Beach Executive Chef Creates 'Best Ice Cream Sandwich Ever' for South Bay

By Bryan Tsunoda on February 25th, 2013

Jessica Jordan, Executive Chef at Fish Bar Manhattan Beach loves ice cream and believes that she can develop an ice cream sandwich far superior than the ones available today.

In doing the research, Jessica tried every single ice cream sandwich she could find. Some of the existing brands on the market, she found, add air to their ice cream so that they can extend their profit margin. The end result is that the ice cream becomes fluffy when you bite into it.

Jessica felt that Diddy Riese in Westwood was the best offering she could find, but because of the warm cookie, it wouldn't be something that could be mass produced. And while Diddy Riese makes freshly baked cookies each day and has a great following, they don't make their ice cream. Instead, they use Dryers ice cream.

Working with Manhattan Beach Creamery, where Jessica develops all of the ice cream flavors, she created the Cream'wich: a generous scoop of homemade ice cream sandwiched between two freshly baked cookies.

The cookies in Cream'wiches are par baked. The end result is a cookie-dough flavor and a texture that dosen't make the sandiwch crumble when bitten into.

Each Cream'wich is made by hand at Manhattan Beach Creamery. The current production is 3,000 sandwiches per week utilizing 3 full time employees. Because there aren't enough hours in a day, Jessica would like to maximize production into the night hours.

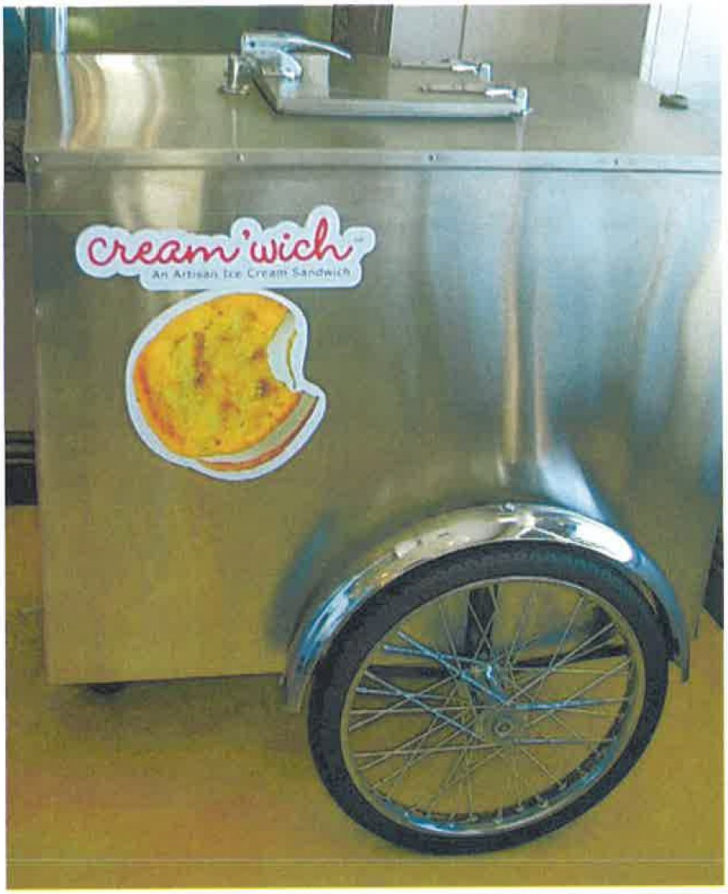
When Jessica approached the folks at Standing Room, they asked her if she could make them a special Peanut Butter and Bacon ice cream. She agreed and so you can find that exclusive flavor there. You can also read Michael's review of Standing Room.

I tried the chocolate chip / vanilla ice cream Cream'wich and I'd have to agree with Jessica. Because the cookie is par baked, it doesn't crumble and make a mess when you bite into it. Further, the ice cream is dense and very refreshing because it isn't filled with air.

Several cookie flavors are available including chocolate chip, red velvet, oatmeal, and macadamia nut. Ice cream flavors include vanilla, chocolate, mint chip and cookie dough. Prices vary from $3.75 to $4.00 and a 6 pack goes for $19.95.

Wednesdays at Manhattan Beach Creamery is "Make your own Cream'wich day". You get to select your own cookie and ice cream to match.

Jessica told me, "It's the beginning of an empire." She has purchased carts and in fact, Terreanea Resort has three of them and will be offering the Cream'wich in various areas of their vast property. She also expects to be able to mass produce them so that they can be offered nationwide. Finally, she hopes to soon offer a gluten free version and expects that to be very popular.



Coming soon to a beach near you!

You can find the Cream'wich at the following businesses:

Manhattan Beach Creamery, Terreanea Resort, Standing Room, El Porto Market and Deli, Granny's Grocery and Deli, Boccatos Groceries, Manhattan Mart, Katella Bakery and Deli and of course, Fish Bar!

- **Cream'wich by Chef Jessica Jordan**
  - *Website: http://www.thecreamwich.com/Home.html*
  - *Facebook: https://www.facebook.com/thecreamwich*
  - *Twitter: https://twitter.com/TheCreamwich*

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Categories: Chefs, Featured Articles, Manhattan Beach
Tags: chocolate, ice cream, macadamia, red velvet, sandwich, vanilla

About the Author

Bryan Tsunoda

Follow Bryan on twitter for the latest and greatest in food trucks and street food. @btsunoda.

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Manhattan Beach Executive Chef Creates 'Best Ice Cream Sandwich Ever' for South Bay

www.southbayfoodies.com/2013/02/25/manhattan-beach-executive-chef-creates-ice-cream-sandwich/

By Bryan Tsunoda on February 25th, 2013

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